UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,176	08/06/2001	John E. McCall	1092-039US01 (1559US01)	9866

7590	09/19/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
09/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	09/923,176	MCCALL, JOHN E.
Office Action Summary	Examiner	Art Unit	
	Freda A. Nelson	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 June 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9,15,17,18,21 and 23-33* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9,15,17,18,21 and 23-33* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

The amendment received on June 4, 2007 is acknowledged and entered. Claims 1, 15, 21 and 25 have been amended. Claims 10-14, 16, 19-20, 22, and 34-35 have been canceled. Claims 1-9, 15, 17-18, 21, and 23-33 are currently pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 4, 2007 has been entered.

Response to Amendments and Arguments

Applicant's arguments filed June 4, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that in regards to claims 1 and 25, that specifically, neither Wakefield II nor Barker either alone or in combination, teach or suggest receiving collected data associated with one of a device data type, a census data type, or a business data type, the examiner respectfully disagrees. Wakefield II discloses that *"the program product includes a computer usable medium having computer readable program code embodied therein for causing a computer to display*

first data received across a data communication network from a controller associated

with a wheelchair (col. 3, lines 41-46; also see FIG. 6).

In response to applicant's argument that specifically, neither Wakefield II nor

Barker teach or suggest storing information of any type, much less advisory information

in a customer account record, wherein the customer record is divided into a device data

type record corresponding to the device data type, a census data type record

corresponding to the census data type, and a business data type record corresponding

to the business data type, and storing the advisory information in at least one of the

device data type record, the census data type record or the business data type record

corresponding to the data type associated with the collected data, the examiner

respectfully disagrees. Wakefield II discloses "a troubleshooting, diagnostics and

programming (TDP) system executes on the computer 12 in accordance with the

present invention; and briefly, the TDP system retrieves data stored in the control

module 10 via the modem 13 and communications link 14 for display on the computer

12; and in particular, the TDP system presents data on the control module 10, joystick

20, motors 16, batteries 18, and other wheelchair options or accessories in a manner

that permits correct decision making on the proper path for troubleshooting, diagnosing,

repairing, and/or reconfiguring the wheelchair (col. 4, lines 23-34; and see col. 5, lines

1-25).

In response to applicant's argument that specifically, neither Wakefield II nor

Barker teach or suggest that the collected data is associated with at least one of a

device data type, a census data type or a business data type. In addition, neither

Wakefield II nor Barker et al. teach or suggest an advisory module that receives the

collected data from the data collector and generates advisory information based on an

analysis between the collected data and an advisory rule corresponding to the data

type. Further, neither Wakefield II nor Barker et al. teach or suggest a database that

stores the generated advisory information in a plurality of language formats in a

customer account record divided into a device data type record, a census data type

record and a business data type record based on the data type associated with the data

collected, the examiner respectfully disagrees. Wakefield II discloses "a

troubleshooting, diagnostics and programming (TDP) system executes on the computer

12 in accordance with the present invention; and briefly, the TDP system retrieves data

stored in the control module 10 via the modem 13 and communications link 14 for

display on the computer 12; and in particular, the TDP system presents data on the

control module 10, joystick 20, motors 16, batteries 18, and other wheelchair options or

accessories in a manner that permits correct decision making on the proper path for

troubleshooting, diagnosing, repairing, and/or reconfiguring the wheelchair (col. 4, lines

23-34; and see col. 5, lines 1-25).

In response to applicant's arguments that Wakefield II merely describes that error

codes or diagnostics information may be displayed (see Wakefield II, col. 6, lines 24-

34), but does not teach or suggest generation of advisory information based on an

analysis between the collected data and an advisory rule corresponding to the data

type, as recited in claim 21, the applicant respectfully disagrees. Wakefield II discloses

"a troubleshooting, diagnostics and programming (TDP) system executes on the

computer 12 in accordance with the present invention; and briefly, the TDP system

retrieves data stored in the control module 10 via the modem 13 and communications

link 14 for display on the computer 12; and in particular, the TDP system presents data

on the control module 10, joystick 20, motors 16, batteries 18, and other wheelchair

options or accessories in a manner that permits correct decision making on the proper

path for troubleshooting, diagnosing, repairing, and/or reconfiguring the wheelchair (col.

4, lines 23-34; and see col. 5, lines 1-25).

Examiner's Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the

references as applied to the claims below for the convenience of the applicant. Although

the specified citations are representative of the teachings in the art and are applied to

the specific limitations within the individual claim, other passages and figures may apply

as well. It is respectfully requested that, in preparing responses, the applicant fully

consider the references in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed

by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

1.   Claims 1, 15, 17, 21 and 25 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the data type" in lines 7, 15, and 20, respectively.

There is insufficient antecedent basis for these limitations in the claim.

Claim 1 recites the limitation "the customer record " in line 19. There is

insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the data type record" in line 23. There is

insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the service" in lines 2-3. There is insufficient

antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the service" in line 3. There is insufficient

antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the data type" in line 9. There is insufficient

antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the data type" in line 22. There is insufficient

antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the data type record" in line 25. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-4, 7-9, 10-11, 21, 23-28, 30-35 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Wakefield II (US Patent Number 5,961,561) in view of Barker

et al. (US Patent Number 6,314,422).

As per claims 1 and 25, Wakefield II ('561) discloses:

receiving collected data associated with a customer account and at least one of a

device data type, a census data type and a business data type;

generating a data conclusion based on an analysis between the collected data

and an advisory rule corresponding to the data type;

mapping the data conclusion to advisory information formatted in a plurality of

languages;

storing the advisory information in a customer account record associated with the

customer account, further including dividing the customer account record into a device

data type record corresponding to the device data type, a census data type record

corresponding to the census data type, and a business data type record corresponding

to the business data type, and storing the advisory information in at least one of the

device data type record, the census data type record or the business data type record

corresponding to the data type associated with the collected data;

accessing the customer account record based on a customer identifier input by a field

service provider (see FIG. 2 (34));

accessing the at least one data-type record of the customer record corresponding

to the data type associated with the collected data (see FIG. 6 (56));

selecting from the data type record customized advisor information formatted to a

language associated with the field service provider (see FIG. 6 (56)); and

presenting the customized advisory information to the field service provider

through a network device (see FIG. 6).

Wakefield II ('561) does not disclose a plurality of languages.

However, Barker et al ('422) teaches technician language preferences and using

the preferred language based on the technician's login and preferences, see column 5,

lines 53-64 to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to display advisory information based on the language

preference of the technician as taught by Barker et al to enable technicians to quickly

and correctly diagnose problems.

As per claims 2 and 26, Wakefield II ('561) further discloses the field service

provider is a person associated with a natural language and the customized advisory

information selected by the selecting act is formatted in the natural language (see FIG.

6 (62)).

As per claims 3 and 27, Wakefield II ('561) further discloses field service provider is a computing module associated with a computer based language and the customized advisory information selected by the selecting act is formatted in the computer-based language (see FIG. 6 (code 33)).

As per claims 4 and 28, Wakefield II ('561) further discloses the customer account identifier is associated with a destination facility (see FIG. 4).

As per claims 6 and 30, Wakefield II ('561) further discloses the customer account identifier is associated with a utility device at the destination facility (see abstract).

As per claims 7 and 31, Wakefield II ('561) further discloses formatting the customized advisory information to a presentation format based on the network device through which the field service provider is accessing the network advisory system (see col. 4, lines 44-50; FIGS. 6 and 7).

As per claims 8 and 32, Wakefield II ('561) further discloses the presentation format is textual (see FIG. 6).

As per claims 9 and 33, Wakefield II ('561) does not specifically disclose determining the language to which the customized advisory information is formatted based on a provider identifier input by the field service provider.

However, Barker et al ('422) teaches technician language preferences and using the preferred language based on the technician's login and preferences (see col. 5, lines 53-64) to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display advisory information based on the language preference of the technician as taught by Barker et al to enable technicians to quickly and correctly diagnose problems.

As per claims 10 and 34, Wakefield II ('561) further discloses: receiving collected data associated with a data type (see col. 2, lines 3-4);

generating a data conclusion based on an analysis between the collected data and an advisory rule corresponding to the data type (see col. 2, lines 43-54; col. 4, lines 23-50);

mapping the data conclusion to the advisory information (see FIG. (code 33 and text explanation));

storing the advisory information in a storage module including one or more customer account records each including one or more data-type records (see FIG. 2 (34, 86, 124, 150, 168, 174).

As per claims 11 and 35, Wakefield II ('561) further discloses:

selectively storing the advisory information in a customer account record based

on a customer account identifier associated with the collected data from which the

advisory information was generated (see FIGS. 2-4);

selectively storing the advisory information in a data-type record of the customer

account record based on the data type associated with the collected data from which

the advisory information was generated (see FIGS. 2-4).

As per claim 21, Wakefield II ('561) discloses:

a data collector (see FIG. 1 (10));

an advisory module (see FIG. 1 (12); and

a registration/communication module (see FIG. 1 (13, 14)).

As per claims 23-24, the limitations of the claims do not distinguish the claimed

apparatus from the prior art.

3.   Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Doherty et al (US Patent Number 6,735,293) in view of Barker et al (US Patent Number

6,314,422).

As per claim 12, Doherty et al. ('293) discloses:

receiving an provider identifier associated with the field service provider (see

FIG. 5A (322));

receiving a customer account record based on a customer identifier input by a

field service provider, see figure 5A (306);

selecting a specific data conclusion based on the customer account identifier (see FIG.

5A (300));

mapping the specific data conclusion to advisory information customized to a

language format associated with the field provider as specified by the provider identifier

(see col. 9, lines 55-56); and

presenting the customized advisory information to the field service provider

through the network device (see col. 10, lines 4-6).

Doherty et al ('293) does not disclose a plurality of languages.

However, Barker et al. ('422) teaches technician language preferences and using

the preferred language based on the technician's login and preferences (see col. 5,

lines 53-64) to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to display advisory information based on the language

preference of the technician as taught by Barker et al to enable technicians to quickly

and correctly diagnose problems.

As per claim 13, Doherty et al. ('293) further discloses the service provider is a

person associated with a natural language and the customized advisory information is

formatted in the natural language (see col. 10, lines 4-6).

As per claim 14, Doherty et al ('293) further discloses the service provider is a computing module associated with a computer-based language and the customized advisory information is formatted in the computer-based language (see col. 9, lines 20-56).

As per claim 15, Doherty et al ('293) further discloses receiving a customer account identifier identifying the destination facility at which the service is to be provided (see col. 9, lines 35-43).

As per claim 16, Doherty et al ('293) further discloses providing the work order to the service technician via pager or email, which can receive messages at any time, including while the technician is in transit (see col. 10, lines 4-6).

As per claim 17, Doherty et al ('293) further discloses the destination facility is associated with a customer of a service providing company employing the field service person to provide the service to the customer on behalf of the service providing company (see col. 2, lines 21-44).

As per claim 18, Doherty et al. ('293) further discloses the destination facility is associated with a customer of a service providing company (see col. 2, lines 21-44).

As per claim 19, Doherty et al ('293) further discloses formatting the customized advisory information to a presentation format based on the network device through

which the field service provider is accessing the network advisory system (see col. 10, lines 4- 6).

As per claim 20, Doherty et al ('293) further discloses the format is text (see col. 10, lines 4-6).

4.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koropitzer et al (US Patent Number 5,694,323) in view of Barker et al. (US Patent Number 6,314,422).

As per claim 21, Koropitzer et al ('323) discloses:

a data collector (see col. 4, lines 1-30);

an advisory module (see col. 9, lines 26-64); and

a registration/communication module (see col. 12, lines 44-51).

Koropitzer et al ('323) does not disclose a plurality of languages.

However, Barker et al. ('422) teaches technician language preferences and using the preferred language based on the technician's login and preferences (see col. 5, lines 53-64) to enable technicians to quickly and correctly diagnose problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display advisory information based on the language preference of the technician as taught by Barker et al to enable technicians to quickly and correctly diagnose problems.
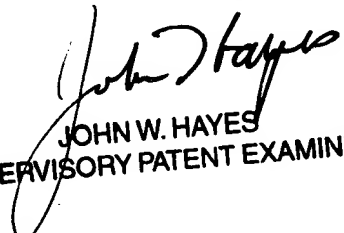
As per claims 22-24, the limitations of the claims do not distinguish the claimed apparatus from the prior art.

5.   Claims 5 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakefield II (US Patent Number 5,961,561) in view of Barker et al (US Patent Number 6,314,422) in view of Doherty et al (US Patent Number 6,735,293). ·

As per claims 5 and 29, Wakefield does not specifically disclose transmitting advisory information to the field service provider as the field service provider is in transit between a first destination facility and a second destination facility.

However, Doherty et al ('293) teaches providing the work order to the service technician via pager or email, which can receive messages at any time, including while the technician is in transit (see col. 10, lines 4-6) for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit information to the field service provider between a first destination and a second destination for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER